

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Public Services – Home Department – Allegation of giving improper instructions to the Investigating Officers in Cr.No.11/2007 under section 174 of Cr.P.C. against Sri G.Basava Purnaiah, (f) S.D.P.O., Jangareddy Gudem of West Godavari District, now retired – Articles of Charges framed – Written Statement of defence received from the Charged Officer – Examined- Further action dropped under Rule 9 (2) (b) (ii) of A.P.R.P. Rules, 1980- Orders – Issued.

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**HOME (SER.I) DEPARTMENT**

**G.O.RT.No. 1296**

**Dated. 24 .11.2014.**

**Read the following:-**

1. From the Director General of Police, A.P., Hyderabad, Letter No.1412 /O2/2012, dated 27.11.2012.
2. G.O.Ms.No.178, Home (Ser.I) Deptt., dated 03.08.2013.
3. G.O.Rt.No.1651, Home (SER.I) Deptt., dated 03.08.2013.
4. Written Statement of defence received from Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District (now retired) dated.28.11.2013.

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**ORDER:-**

In the reference 1<sup>st</sup> read above, the Director General of Police, Andhra Pradesh, Hyderabad has stated that DIG, Eluru in his letter dated 07.11.2012 has informed that Sri Ch.Ram Babu, Inspector of Police,, VR, West Godavri District, Eluru, who previously worked as SI of Police, Jangareddygudem, PS was placed under suspension vide R.O.No.433/2009 (c.No.182/P/2009), dated 07.12.2009 of D.I.G., Eluru Range, Eluru, for exhibiting reprehensible conduct for falsely implicating innocent person viz. Daggumilli Ganga Raju of Challavarigudem, as a murder case accused and conducting perfunctory investigation in Cr.No.11/2007 of Jangareddygudem PS by altering Section 174 Cr.P.C., to 302 IPC and arresting the accused without any material on record. He was subsequently releases from suspension vide R.O.No.16/2000 (C.No.182/P/2009) dated 22.01.2010, without prejudice to the Oral Enquiry pending against him. The Departmental proceedings initiated against Sri Ch.Ram Babu, Inspector of Police, West Godavari District, Eluru were stayed by the Hon'ble High Court of Judicature, Hyderabad vide Interim Order dated 22.12.2009 in W.P.No.26754/2009 filed by him. Further he has stated that during the course of preliminary enquiry conducted by Sri S.Mahadevachary, the then Addl., Supdt of Police, West Godavari District, Eluru, it came to light on 10.12.2009, that Sri G.Basava Purnaiah, the then Sub Divisional Police Officer, Jangareddygudem, Sub-Division of West Godavari District and now retired from service has exhibited reprehensible conduct in giving instructions to the Investigating Officer in the Cr.No.11/2007 U/s 174 Cr.P.C., altered 302 IPC of Jangareddygudem PS to prepare false records to implicate an innocent person, Daggumilli Ganga Raju of Challavrigudem (v), in a murder case. Finally, while enclosing the draft article of charge in respect of Sri G.Basava Purnaiah, the then S.D.P.O., Jangareddygudem, Sub-Division of West Godavari District, and now retired from service, the DIG, Eluru Range, Eluru has requested to accord sanction under Rule 9 (2) (b) (i) of A.P. Revised Pension Rules, 1980.

2. In the G.O. 2<sup>nd</sup> read above, a sanction order under Rule 9 of AP Revised Pension Rules, 1980, was issued for initiate departmental proceedings against Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District, in accordance with the procedure laid down in Rule 20 of the A.P. Civil Services (CC&A) Rules, 1991.

3. In the reference 3<sup>rd</sup> read above, the following article of charge was issued to Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District

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(now retired) with instructions to submit his explanation within 10 days from the date of receipt of the orders.

Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District (now retired), during his tenure at Jangareddygudem with effect from 22.07.2007 to 31.03.2009 has exhibited reprehensible conduct in giving instructions to the investigating officers in Cr.No.11/2007 u/s 174 Cr.P.C., altered to 302 IPC of Jangareddygudem PS to prepare false records to implicate an innocent person Daggumilli Ganga Raju Challavarigudem (v) in a Murder case. Thus, this action of Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District (now retired), shows his negligence contravening rule 3 of APCS (Conduct) Rules, 1964. Hence the charge.

4. In the reference 4<sup>th</sup> read above, the charged officer Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District (now retired) has submitted his statement of defence while denying the charge on the following grounds:-

- a) He never instructed the SI Sri Chinta Rambabu to implicate the Daggumilli Gangaraju since the instructions were issued by the then S.P., west Godavari Sri T.Jaganmohan Reddy, IPS, in the open crime meeting wherein all the inspectors, and Addl., S.P were present. The record prepared by the SI also did not mention any things about his instructions to the SI about Daggumilli Gangaraju.
- b) The Addl., S.P., Sri S.Madhavachary, who conducted the enquiry during December, (30.11.2009 onwards) never chooses to verify the contents of the records and in addition to that he did not choose to examine him. Thus it is very clear that he did not give any opportunity to him to offer his reply which is fundamental right in any enquiry. This aspect of not giving a chance to him is totally unacceptable motivated and hence no credence need be given to this so called allegation since Sri Madhavachary fell to the lures of Dr.Mandava Bhimeshwar Rao and Mandava Nageswara Rao, ( the deceased vijay Kumar and Daggumilli Gangaraju accused were working in the fields of the above two individuals)
- c) The final report of CID did not mention any thing against his official action and the Hon'ble Court accepted the report of CB CID which clearly speaks that the sudden allegation of Sri S.Madhavachary is an Ethiopian idea since it is based on the evidence given by the interested witnesses by Dr.Mandava Bhimeshwar Rao and Mandava Nageswara Rao, as they are the master of D.Gangaraju.
- d) While explaining the details of the case the charged officer has contended that the enquiry officer has submitted his report by making false allegations against him duly suppressing facts. Thus the contents mentioned at Paras 3 to 4 in Annexure-II of the charge memo cannot be taken in to account.
- e) The charge memorandum issued on 03.08.2013 which was served on him on 24.10.2013, which are more than four years from the date of his retirement (since he retired on 31.03.2009), which is against the provisions of Rule 9 (2) (b) (ii) of AP Revised Pension Rules, 1980, which reads that departmental proceedings shall not be instituted in respect of any even which took place for more than four years before such institution.

5. Government after careful examination of the entire matter observed that

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the incident of misconduct occurred in year 2007 in Jangareddyguem Sub Division of West Godavari District and the Deputy Superintendent of Police concerned Sri G. Basava Purnaiah, had retired from service on 31.03.2009, further the Charge Memo for misconduct was issued on 03.08.2013, beyond the bar of limitation of (4) years. Therefore, Government hereby order to drop further action against Sri G.Basava Purnaiah, (f) S.D.P.O, Jangareddygudem, West Godavari District (now retired) under Rule 9 (2) (b) (ii) of A.P. R.P. Rules, 1980, since the charges were issued after the lapse of four years from the date of alleged misconduct took place.

6. The Director General of Police, A.P. Hyderabad shall take further necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr. B.PRASADA RAO,  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Director General of Police, A.P. Hyderabad.

**Copy to:**

Sri G.Basava Purnaiah, (f) SDPO, Jangareddygudem, West Godavari District  
(now retired) (through Director General of Police, A.P. Hyderabad)  
The Deputy Inspector General of Police, Eluru Range, Eluru.  
SF/SC.

// FORWARDED::BY ORDER//

SECTION OFFICER